

United States Government

Department of Energy

# memorandum

DATE: April 17, 2001

REPLY TO

ATTN OF: Office of Environmental Policy and Guidance: Boulos: 6-1306

SUBJECT:

INFORMATION-RECENT CLEAN AIR ACT-RELATED FEDERAL REGISTER  
NOTICES: February 2001 to March 2001

TO:

Distribution

EH-412 has been routinely distributing material on Environmental Protection Agency (EPA) clean air-related Federal Register (FR) notices not otherwise transmitted to program and field offices in order to make the Departmental complex aware of information that may be of relevance to its operations. Attached are summaries of clean air-related FR notices published during the period February 2001 to March 2001.

If you have any questions concerning these notices, please contact Mr. Emile Boulos of my staff at: [emile.boulos@eh.doe.gov](mailto:emile.boulos@eh.doe.gov); 202-586-1306.

( original was signed by Andy Wallo)  
Andrew Wallo III  
Director  
Air, Water and Radiation Division

Attachment

## ATTACHMENT

### CLEAN AIR ACT-RELATED FEDERAL REGISTER (FR) NOTICES PUBLISHED DURING THE PERIOD FEBRUARY 2001 TO MARCH 2001

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- **FINAL RULE: DELAY OF EFFECTIVE DATE, "AMENDMENTS TO STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES; MONITORING REQUIREMENTS: DELAY OF EFFECTIVE DATE", (66 FR 9034; February 6, 2001).**

On February 6, 2001 the Environmental Protection Agency (EPA) issued a final rule to temporarily delay for 60 days the effective date of the subject rule that was published in the Federal Register on August 10, 2000, (65 FR 48914). The new effective date is April 9, 2001. This action was in response to the Assistant to the President and Chief of Staff memorandum of January 20, 2001, entitled "Regulatory Review Plan" published in the Federal Register on January 24, 2001.

The August 10, 2000, rule clarified and updated requirements for source owners and operators who must install and use continuous stack or duct opacity monitoring equipment. In addition the rule also updated design and performance validation requirements for continuous opacity monitoring system (COMS) equipment. The delay in the effective date was necessary to give EPA officials the opportunity for further review and consideration of new regulations.

- **NOTICE OF REOPENING OF THE COMMENT PERIOD FOR METHOD 203: "DETERMINATION OF THE OPACITY OF EMISSIONS FROM STATIONARY SOURCES BY CONTINUOUS OPACITY MONITORING SYSTEMS", (66 FR 12780; February 28, 2001).**

On February 28, 2001, the EPA opened the comment period for the proposed Method 203 part 51, appendix M, in view of the significant amount of time that has passed since the proposal was published on October 7, 1992, (57 FR 46114). The proposed Method 203 provides States with quality assurance requirements and procedures that must be performed by the continuous opacity monitoring system (COMS) operator after the initial demonstration of compliance with Performance Specification 1 (PS-1).

EPA believes that it is appropriate to offer the public another opportunity to comment on the proposed Method. In particular, on whether the requirements and procedures outlined in the proposal remain appropriate, or whether newer technologies and/or procedures have become available which should be considered before taking final action on this proposed rule. The EPA will consider the comments received by March 30, 2001 in deciding whether to re-propose Method 203 in its entirety, publish a supplemental proposal, or to publish an amended version as a Final Rule.

- **DIRECT FINAL RULE: 40 CFR Parts 70 and 71, "STATE AND FEDERAL OPERATING PERMITS PROGRAMS: AMENDMENTS TO COMPLIANCE CERTIFICATION REQUIREMENTS", (66 FR 12872; March 1, 2001).**

On March 1, 2001, the EPA issued a direct final rule to amend the State Operating

Permits Program and the Federal Operating Permits Program. The amendments were in response to the United States Circuit Court of Appeals October 29, 1999, decision to remand to EPA part of the October 22, 1997, Compliance Assurance Monitoring rulemaking that included revisions describing the ongoing compliance certification content requirements.

In particular, the Court ruled that the compliance certification must address whether the affected facility or source has been in continuous or intermittent compliance. This final rule amendment is effective on April 30, 2001 without further notice. If EPA receives adverse comments by April 2, 2001, the Agency will publish a withdrawal in the Federal Register informing the public that this direct final rule will not take effect.

- **NOTICE OF ACCEPTABILITY, CORRECTION; REQUEST FOR INFORMATION, CORRECTION, " PROTECTION OF STRATOSPHERIC OZONE: NOTICE 14 FOR SIGNIFICANT NEW ALTERNATIVES POLICY PROGRAM; CORRECTION", (66 FR 13655; March 7, 2001).**

On March 7, 2001, the EPA issued a notice in the Federal Register to identify and correct a number of typographic errors that were made inadvertently. In addition, EPA provided updated information on the flammability of one chemical that was published in the Federal Register Notice of Acceptability; Request for Information, "Protection of Stratospheric Ozone: Notice 14 for Significant New Alternatives Policy Program", (65 FR 78977; December 18, 2000).

- **FINAL RULE; CORRECTIONS: 40 CFR Part 63, "NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTIONS: PUBLICLY OWNED TREATMENT WORKS", (66 FR 16140; March 23, 2001).**

On October 26, 1999, EPA promulgated the National Emission Standards for Hazardous Air Pollutants (NESHAP) for Publicly Owned Treatment Works (POTW) (64 FR 57572). The March 23, 2001 final rule corrected grammatical, typographic, formatting, and cross-reference errors.

- **FINAL RULE; CORRECTION: 40 CFR Part 60, " STANDARDS OF PERFORMANCE FOR NEW STATIONRY SOURCES AND EMISSION GUIDELINES FOR EXISTING SOURCES: COMMERCIAL AND INDUSTRIAL SOLID WASTE INCINERATION UNITS", (66 FR 16605; March 27, 2001).**

The EPA promulgated final standards and guidelines for new commercial and industrial solid waste incineration units on December 1, 2000 (65 FR 75338). Table 1 to Subpart CCCC-Emission Limitations (65 FR 75360) inadvertently omitted two emission limits (cadmium and carbon monoxide). In the final rule of March 27, 2001, EPA republished Table 1, to eliminate errors and ambiguity, minimize potential litigation, and provide a clear legal standard for affected conduct, as required by section 3 of Executive Order 12988 (61 FR 4729, February 7, 1996).